



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,187	04/03/2006	Toshiaki Shimizu	DUMME55.003APC	4556
20995 7590 11/10/2009 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER				
AHMED, MASUD				
ART UNIT		PAPER NUMBER		
3714				
NOTIFICATION DATE		DELIVERY MODE		
11/10/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

# Office Action Summary

**Application No.**

10/533,187

**Applicant(s)**

SHIMIZU ET AL.

**Examiner**

MASUD AHMED

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed on 06/25/2009 have been fully considered but they are not persuasive. Examiner respectfully disagrees with the applicant at least for the following:
2. in response to the applicant's argument on " Luciano appears to disclose that there is a two-way interdependency between the outcomes", examiner respectfully disagrees because giving the claims it's broadest reasonable interpretation, it can be stated that Luciano's teachings of second game result or outcome is evaluated independent of the first game outcome. The second game maybe triggered by the first game of Luciano, however the outcome of the second game is independently evaluated while this outcome influences the outcome of the first game (summary).
3. claim language reads partially " *whilst the outcome of said second game is independent of the outcome of said base game.*" And examiner believes that the citation of Luciano teaches this claim limitation by a reasonable interpretation.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**2. Claims 1, 3-13, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Luciano (US 6, 705, 944) prior publication date Feb 6, 2003.**

**Regarding claim 1**, Luciano teaches a game machine with base game and bonus game having following limitations:

A gaming machine operable to play a base game and a second game (abstract);  
gaming machine including a first display adapted to display progress and results of said base game (FIG 1), displays the base game;  
gaming machine further including a second display adapted to display progress and results of said second game(FIG 1), also shows the second game or the bonus game display;  
base game and said second game arranged to be played such that selected ones of outcomes of said second game affect play of said base game (col 2, lines 54-65),  
explains the alteration of the base game results,  
whilst the outcome of said second game is independent of the outcome of said base game (col 3, lines 1-4).

**Regarding claims 3-4**, Luciano teaches various award can be obtained by the base game and the second game such as free spins award, credit award or jackpot award (col 3, lines 2-7,col 10, lines 66-67).

**Regarding claims 5-6**, Luciano teaches both base and second game to be symbol-driven game (FIG 1 shows the base game with spinning reels and second game with the wheel spinning reels with symbols).

**Regarding claims 7-8**, Luciano teaches both base game reels and second game wheel is sequentially controlled (col 5, lines 44-48).

**Regarding claim 9**, Luciano discloses the sequence of progress of second game is interleaved with the sequence of the base game (FIG 2, wheels shows the losing a spin or try again), which means player win nil or lose a spin with nil winning.

**Regarding claims 10-11**, Luciano discloses the wheel comes to a stop to determine the win and further depending on winning such as re-reel spin, initiates the base game reel-spin while wheel stay paused (FIG 2, col 8, lines 5-67), shows how the base game and the second game is played concurrently.

**Regarding claim 12**, Luciano teaches play of a base game initiate the play of the second game which are played concurrently (col 8, lines 5-45).

**Regarding claim 13**, Luciano teaches the game a machine includes the array of multiple reels (FIG 1).

**Regarding claim 17**, Luciano teaches the win is determined according to a predetermined disposition of symbols when the reels reach a stationary state at the end of the second game (col 8, lines 5-55).

**Regarding claim 19**, Luciano teaches initiating the base game and the second game substantially simultaneously in sequence to increase the probability of the winning of the base game by the effect of the second game (col 8, lines 5-65), Luciano discloses how the base game initiate the wheel to spin, which is the second game then the result from the second game cause the reel to re-spin in the base game to alter the result of the base game.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 14-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luciano as cited above.**

**Regarding claims 14-16**, Luciano discloses base game has multiple reels with numbers of sectors displayed, further Luciano teaches second game has a multiple concentric wheels which is an alternative to the reels and designed in similar fashion

with various symbols thereon (FIG 2), however Luciano is silent on disclosing an additional reel with an open able aperture. It is evident by the teachings of Luciano such as Wild symbol wheel on FIG 2 which can be considered as an additional reel for the second game. This is an obvious addition to the art of slot machine and merely an alternative to the teaching of Luciano, therefore it would have been obvious to ordinary skilled artisan at the time the invention was made to include an additional hidden symbol to create an additional winning symbol combination to create excitement or simply as an alternative.

**Regarding claim 18**, In addition to rationale provided above on claims 14-16, Luciano teaches the base game initiate the second game, which can be considered as wheel spins on the second game after the starting of the base game.

**5. Claims 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luciano as cited above, in view of Cannon et al (US 6, 652, 378).**

**Regarding claim 20**, In addition to the teachings of claim 1 above, Luciano teaches initialization of the second game after the base game, however Luciano is silent on disclosing triggering the second game at the initialization of the base game. Cannon teach game system and method for playing multiple games simultaneously on one game machine with various display windows, wherein a base game and a bonus game also can be concurrently or simultaneously can be played (col 5, lines 29-40 , FIG 2).

Simultaneous operation of multiple games are known in the art, therefore it would have been obvious to ordinary skilled artisan at the time of invention to modify Luciano's system to initiate second game instantly instead of waiting for the trigger symbol as an alternative choice of sequential game play as taught by Luciano's disclosure.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MASUD AHMED** whose telephone number is (571)270-1315. The examiner can normally be reached on **Mon-Fri 10:00am-7:00pm, Alt Fri, EST.**



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571 272 4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. A./  
Examiner, Art Unit 3714

/Peter D. Vo/  
Supervisory Patent Examiner, Art Unit 3714